

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JAVIER RICO-TORRES,  
Plaintiff,  
v.  
DIRECTOR OF NURSING HDSP, et al.,  
Defendants.

Case No.: 2:22-cv-01788-MMD-DJA

## ORDER

(ECF No. 6)

## I. DISCUSSION

On November 22, 2022, this Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action on or before January 20, 2023. (ECF No. 5 at 2.) The Court explained that Plaintiff's initial application to proceed *in forma pauperis* was incomplete because Plaintiff had not included a financial certificate or an inmate account statement for the previous six-month period. (*Id.* at 1.)

The next day, Plaintiff filed an amended complaint together with another incomplete application to proceed *in forma pauperis*. (ECF No. 6.) Plaintiff's second application to proceed *in forma pauperis* also does not include a financial certificate or an inmate account statement for the previous six-month period. (*Id.*)

Because it appears that an extension of the initial deadline and another court order are meaningful alternatives to dismissal here, the Court will grant Plaintiff one final opportunity to submit a financial certificate and an inmate account statement for the previous six-month period to the Court on or before **March 10, 2023**. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (providing that “district court need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives”).

## II. CONCLUSION

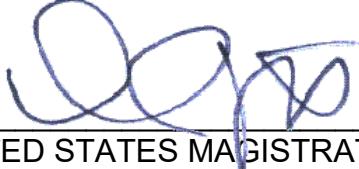
For the foregoing reasons, IT IS ORDERED that Plaintiff's second incomplete

1 application to proceed *in forma pauperis* (ECF No. 6) is denied without prejudice.

2 IT IS FURTHER ORDERED that on or before **March 10, 2023**, Plaintiff shall either:  
3 (1) file a fully complete IFP application, on the correct form with complete financial  
4 attachments, including a financial certificate and an inmate account statement for the  
5 previous six-month period, in compliance with 28 U.S.C. § 1915(a); or (2) pay the full  
6 \$402 fee for filing a civil action (which includes the \$350 filing fee and the \$52  
7 administrative fee).

8 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,  
9 this case will be subject to dismissal without prejudice for Plaintiff to refile the case with  
10 the Court, under a new case number, when Plaintiff is able to submit a fully complete  
11 application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action.

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13 DATED: February 8, 2023

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UNITED STATES MAGISTRATE JUDGE

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